


# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### EXTRAORDINARY

#### GOVERNMENT OF GOA, DAMAN AND DIU

Revenue Department

#### THE GOA, DAMAN AND DIU AGRICULTURAL INDEBTEDNESS (TEMPORARY RELIEF) ORDINANCE, 1975

Ordinance No. 4 of 1975

Promulgated by the Administrator in the Twenty-sixth Year of the Republic of India.

An Ordinance to provide temporary relief from indebtedness to agricultural labourers, small farmers and rural artisans in the Union Territory of Goa, Daman and Diu.

Whereas the Legislature of the Union Territory of Goa, Daman and Diu is not in session and the Administrator is satisfied that circumstances exist which render it necessary for him to take immediate action;

And Whereas the instructions of the President have been obtained in pursuance of the first proviso to clause (1) of article 239B of the Constitution;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 239B of the Constitution, the Administrator is pleased to promulgate the following Ordinance:—

**1. Short title and commencement.**— (1) This Ordinance may be called the Goa, Daman and Diu Agricultural Indebtedness (Temporary Relief) Ordinance, 1975.

(2) It shall come into force at once.

**2. Definitions.**— In this Ordinance,—

(a) "Administrator" means the Administrator of the Union Territory of Goa, Daman and Diu appointed by the President under article 239 of the Constitution;

(b) "agriculture" includes horticulture, dairy farming, pisciculture, forestry, sericulture, bee-keeping, poultry farming and growing of food

crops, fruits, vegetables, sugar-cane, ground-nut, coconut, arecanut, cashew and mango;

(c) "agricultural labourer" means a person who follows any one or more of the following agricultural operations in the capacity of a labourer on hire or exchange, whether paid in cash or in kind or partly in cash and partly in kind;—

(i) farming, including cultivation and tillage of soil;

(ii) dairy farming;

(iii) production, cultivation, growing and harvesting of any horticultural commodity;

(iv) raising of livestock, bees or poultry; and

(v) any practice performed on a farm as incidental to or in conjunction with farm operations (including any forestry or timbering operations) and preparation, for market and delivery to storage or to market or to carriage for transportation, of farm products;

(d) "bank" includes,—

(i) a banking company as defined in clause (c) of section 5 of Banking Regulation Act, 1949; Central Act 10 of 1949.

(ii) the State Bank of India constituted under the State Bank of India Act, 1955; Central Act 23 of 1955.

(iii) a subsidiary bank, as defined in the State Bank of India (Subsidiary Banks) Act, 1959; Central Act 38 of 1959.

(iv) a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970; Central Act 5 of 1970.

(v) any banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949;

(vi) the Agricultural Refinance Corporation established under the Agricultural Refinance Corporation Act, 1963; Central Act 10 of 1963.

(vii) any other financial institution which may be notified in this behalf by the Administrator;

(e) "debt", with its grammatical variations and cognate expressions, means any liability in cash

or kind, whether secured or unsecured, due from a debtor whether payable under a decree or order of any civil court or otherwise, but does not include—

- (i) any rent or compensation due in respect of any property let out to a debtor;
- (ii) any liability arising out of breach of trust in transactions other than money lending or any tortious liability;
- (iii) any liability in respect of wages or remuneration due as salary or otherwise for services rendered;
- (iv) any liability in respect of maintenance whether under a decree of a court or otherwise;
- (v) any sum recoverable as an arrear of land revenue;
- (vi) any debt due to the Central Government, a State Government, the Government of Goa, Daman and Diu, a local authority or a bank;
- (f) "debtor" means a person who is an agricultural labourer or a rural artisan or a small farmer, who owes a debt;
- (g) "rural area" means the area not declared to be a Municipal area under section 3 of the Goa, Daman and Diu Municipalities Act, 1969 (Act 7 of 1969);
- (h) "rural artisan" means a person who does not hold any agricultural land and whose principal means of livelihood is production or repair of traditional tools, implements and other articles or things needed for agriculture or purposes ancillary thereto and includes a person who normally earns his livelihood by practising a craft either by his own labour or the members of his family in a rural area;

*Explanation.*—for the purposes of this clause, "member of the family" means spouse, son, unmarried daughter, and includes father, mother, grandson, widowed daughter, widowed grand-daughter solely dependent on the rural artisan for maintenance.

(i) "small farmer" means a farmer who owns land measuring less than two hectares;

**3. Stay of suits, etc.**—(1) Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary—

(i) no civil court shall entertain any suit, application or proceeding against a debtor in respect of any debt incurred by him;

(ii) any suit, application or proceeding in relation to the recovery of a debt pending before a civil court shall be stayed; and

(iii) no decree of a civil court in relation to the recovery of a debt which was passed before the commencement of this Ordinance shall be executed,

for a period of one year from the commencement of this Ordinance.

(2) The Administrator may, by notification in the Official Gazette, extend the period referred to in sub-section (1) by a further period not exceeding one year.

**4. Extension of period of limitation.**—Notwithstanding anything contained in any other law for the time being in force, when the period of limitation is calculated for any suit, proceeding or application, or for the execution of a decree, the period during which any person was debarred from instituting such suit or proceeding or making such application or executing such decree under this Act shall be excluded.

*Explanation.*—For the purposes of sections 3 and 4, suit includes appeal.

S. K. BANERJI

Administrator  
Goa, Daman and Diu

Dated, 16th October, 1975.